

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13288, of Paul Guyet, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the 900 square feet minimum lot area requirements (Sub-section 3301.1) to use the basement, first, second and third floors of the subject premises as an apartment house consisting of four units in an R-4 District at the premises 1327 - 10th Street, N.W., (Square 367, Lot 43).

HEARING DATES: July 23 and September 10, 1980  
DECISION DATE: October 1, 1980

FINDINGS OF FACT:

1. The application was scheduled to be heard at the public hearing of July 23, 1980 but was continued to September 10, 1980. The applicant had failed to comply with Section 3.33 of the Supplemental Rules of Practice and Procedure before the BZA in that he had posted the subject property six days prior to the public hearing instead of the required ten days.
2. The subject site is located on the east side of 10th Street between N and O Streets and is known as premises 1327 10th Street, N.W. It is in an R-4 District. To the immediate south of the site is a parking lot.
3. The subject site is 2,079.20 square feet in area. It is basically rectangular in shape. The site is improved with a three story plus basement structure which was constructed prior to May 12, 1959.
4. A Certificate of Occupancy No. 121036, was issued on June 19, 1943 for the use of the subject structure as a rooming house, less than five persons, all floors.
5. The applicant proposes to use the basement, first, second and third floors of the subject property as an apartment house consisting of four units.

6. Pursuant to the Zoning Regulations, a conversion of a building constructed prior to May 12, 1958 to an apartment house containing three or more units requires 900 square feet of lot area for each unit within the building. The applicant requests a variance of 1,520.80 square feet.

7. The subject application was heard in conjunction with BZA application No. 13297. The application No. 13297 also sought a 900 square feet minimum lot area variance to create four units in three separate structures that had been tenement houses. Both applications were prosecuted by the same parties. The testimony of No. 13297 is incorporated in the subject application.

8. The living room/dining room area of the proposed units look out-upon a parking lot. In reply to the questions of the Board, the applicant agreed that it was conceivable that a building would at some time be constructed on the parking lot resulting in the living room/dining area with windows facing a solid brick wall.

9. The applicant testified that the Urban Commitment Program of the Federal National Mortgage Association is the only mortgage source available for the conversion of the subject premises for rental units. The applicant further testified that the benefits of that program are maximized with the four proposed units and no less a number of units.

10. In reply to the Board's repeated inquiries as to why not construct three units rather than four, the applicant testified that the four units maximize the use of the space in the building and that three units would not be financially feasible.

11. There were nine letters of record in support of the application on the grounds that the development of these vacant properties will provide needed jobs for local workers, combat the significant blight in the area and significantly improve the physical appearance and safety of the neighborhood.

12. There was no opposition to the application at the public hearing or of record.

13. Advisory Neighborhood Commission - 2C by letter of July 23, 1980, recommended that the application be approved. It stated no reasons for its support.

14. The Board is required by statute, to give great weight to the issues and concerns of the ANC as expressed in writing. In the subject application no issues and concerns were expressed. No grounds were stated for the recommendation of the application. Accordingly, the Board has nothing to address.

CONCLUSIONS OF LAW:


Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty that is inherent in the property. The Board concludes that there is no such practical difficulty. The site is basically rectangular in shape and flat. The site possesses no peculiar physical characteristics. The only difficulty present is a financial difficulty as a result of which the applicant is overcrowding the site and increasing the density. The financial difficulties alleged are not a proper basis for the granting of the variance.

The Board further concludes that a variance of 1,520.80 square feet for the site is too great a variance. The Board is aware of the lack of opposition and some support for the application. The support appears to be based on social reasons. Such reasons as improving the blight of the neighborhood and creating jobs are not grounds for granting area variances. The Board further concludes that the application cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 5-0 (Charles R. Norris, Theodore F. Mariani, Connie Fortune and William F. McIntosh and Leonard L. McCants to DENY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: \_\_\_\_\_

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 22 DEC 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."